

First Extraordinary Session, 2011

SENATE BILL NO. 17

BY SENATOR MARTINY

CENSUS. Provides relative to provisions in Title 13 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics.

AN ACT

To amend and reenact R.S. 13:847(F)(1)(introductory paragraph), 961(F)(1)(e) and (f), 964.2, 996.22.1, 996.35, 996.36.1, 1000.1(A), 1384, 1568.3, 1908(A), 2080.1(B) and (C), 2103.2(A), 2496.2(A), 2575(C)(2), 2576(A)(introductory paragraph), 2583.1(A), 2590.1(A)(1), (B)(introductory paragraph), and (E), and 4818, relative to provisions of Title 13 (Courts and Judicial Procedure) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:847(F)(1)(introductory paragraph), 961(F)(1)(e) and (f), 964.2, 996.22.1, 996.35, 996.36.1, 1000.1(A), 1384, 1568.3, 1908(A), 2080.1(B) and (C), 2103.2(A), 2496.2(A), 2575(C)(2), 2576(A)(introductory paragraph), 2583.1(A), 2590.1(A)(1), (B)(introductory paragraph), and (E), and 4818 are hereby amended and reenacted to read as follows:

§847. Fees in criminal cases; exceptions

* * *

F.(1) Notwithstanding Subsection A of this Section and in addition to other fees fixed by law, the clerk of a district court in ~~a parish with a population of between forty-two thousand eight hundred and forty-three thousand five hundred according to the latest federal decennial census~~ **St. John the Baptist Parish** shall be entitled to demand and receive:

* * *

§961. Court reporters, generally

* * *

F.(1)

* * *

(e) In ~~all tri-parish district courts with a population between forty thousand and one hundred thousand persons~~ **the Second, Fifth, and Eighteenth Judicial Districts**, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

(f) In ~~all tri-parish district courts with a population between seventy-five thousand and one hundred fifty thousand persons~~ **the Twenty-Third Judicial District**, in all cases, except those to be filed in forma pauperis, a fee determined by a majority of the judges for each page not to exceed two dollars and fifty cents for each thirty-one line page and each copied page of all testimony reported and transcribed shall be charged by and paid to the court reporter.

* * *

§964.2. Reporter's fees; ~~certain parish~~ **Calcasieu Parish**

A. Notwithstanding the provisions of R.S. 13:964(H) to the contrary, in ~~any parish having a population of between one hundred eighty thousand and one hundred eighty-seven thousand people according to the most recent U.S. Decennial Census~~ **Calcasieu Parish**, in all cases which are reported and transcribed for appeal, a fee of two dollars and fifty cents per page for originals, and fifty cents per page for each

1 copy, shall be charged by and paid to the reporter. In those cases which are reported
2 but not transcribed, one-half of the fees provided herein for originals shall be charged
3 by and paid to the reporter. Such fees shall be retained by the reporter as
4 compensation, in addition to the salary provided for in R.S. 13:964(G), and shall be
5 taxed as costs of the suit in which the testimony is taken.

6 B. Notwithstanding the provisions of R.S. 13:964.1(B) to the contrary, court
7 reporters in a parish having a population of between one hundred eighty thousand
8 and one hundred eighty-seven thousand people according to the most recent U.S.
9 Decennial Census Calcasieu Parish shall be paid two dollars and fifty cents per
10 thirty-one-line page for such work, and ~~fifty cents~~ **fifty cents** per page for each copy,
11 as funds become available, all such payments to be made from the criminal indigent
12 transcript fund by the court administrator.

13 * * *

14 §996.22.1. Judicial expense funds; ~~judicial districts in certain parishes with~~
15 ~~populations between thirty-nine thousand and forty thousand five~~
16 ~~hundred;~~ **fund for the Tenth Judicial District;** additional costs in
17 criminal cases

18 The provisions of this Section shall apply to any judicial district court whose
19 boundaries are coterminous with any parish having a population between thirty-nine
20 thousand and forty thousand five hundred according to the most recent federal
21 decennial census and which has a statutorily created judicial expense fund. The
22 judges of the ~~district~~ **Tenth Judicial District**, sitting en banc, are authorized to
23 increase the maximum amount of costs that may be imposed in all criminal cases
24 over which the district court has jurisdiction against every defendant who is
25 convicted after trial or after plea of guilty or who forfeits his bond, in an amount
26 which shall not exceed ten dollars and which shall be in addition to all other fines,
27 costs, or forfeitures lawfully imposed. All sums so taxed and collected shall be
28 transmitted by the sheriff to the clerk of court as provided by law governing the
29 judicial expense fund.

* * *

§996.35. Additional sheriffs' fees; ~~in certain parishes with populations between sixty-seven thousand five hundred and sixty-nine thousand and between seventy-five thousand and eighty-four thousand~~ parishes of Iberia and St. Landry

In addition to all other fees or costs now or hereafter provided by law, the sheriffs in ~~parishes having a population between sixty-seven thousand five hundred and sixty-nine thousand and between seventy-five thousand and eighty-four thousand according to the most recent federal decennial census~~ the parishes of Iberia and St. Landry shall be entitled to an additional fee of ten dollars in all criminal cases brought in district court against every defendant who is convicted after trial or after a plea of guilty or nolo contendere or who has forfeited his bond. This fee shall be remitted to the sheriff of the parish to be used to defray the expenses of his office. The sheriff may use all methods available under the law to enforce and collect the fees.

* * *

§996.36.1. Additional fees or costs

A. In addition to all other fees or costs provided for in R.S. 13:996.36(A), the clerk of court ~~of a judicial district court which is located in a judicial district comprised of three parishes having a population between fifty-five thousand four hundred and eighty-five thousand four hundred according to the most recent federal decennial census~~ the Eighteenth Judicial District Court shall collect from every person filing any type of civil suit or proceeding and who is not otherwise exempted by law from the payment of court costs, an additional sum to be determined by a majority of the judges of said district, sitting en banc, which sum shall not exceed ten dollars, subject, however, to the provisions of Louisiana Code of Civil Procedure Article 5181 et seq.

B. In addition to all other fees or costs provided for in R.S. 13:996.36(A), in all criminal cases over which ~~a district court located in a judicial district which is~~

1 ~~comprised of three parishes having a population between fifty-five thousand four~~
2 ~~hundred and eighty-five thousand four hundred according to the most recent federal~~
3 ~~decennial census~~ **the Eighteenth Judicial District Court** has jurisdiction, **it** shall
4 tax as costs against every defendant who is convicted after trial or who pleads guilty
5 or who forfeits his bond, a sum likewise determined but which shall not exceed ten
6 dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully
7 imposed and which shall be transmitted each month to the court by the sheriff for
8 further disposition in accordance herewith.

9 * * *

10 §1000.1. Criminal matters; additional costs for CASA programs

11 A. In ~~parishes having a population of between one hundred twenty-five~~
12 ~~thousand and one hundred thirty-five thousand according to the latest federal census~~
13 **Rapides Parish**, in all criminal cases, including traffic offenses, of which the district
14 court has jurisdiction, there shall be assessed as additional costs against every
15 defendant who is convicted after trial or who pleads guilty or forfeits bond the sum
16 of five dollars, which shall be in addition to all other fines, costs, or forfeitures
17 lawfully imposed and which shall be transmitted to the clerk for further disposition
18 in accordance herewith.

19 * * *

20 §1384. Criminal district courts; office or positions and functions

21 Each criminal district court in a ~~parish having a population of four hundred~~
22 ~~sixty-five thousand or more according to the most recent federal decennial census~~
23 **the parish of Orleans** shall have a position or office of judicial administrator,
24 deputy judicial administrator, and assistants, at least thirteen law clerks, and at least
25 four secretaries and shall provide for the conduct of the jury commission and sanity
26 hearings, the cost of all of which shall be appropriated in the appropriation bill which
27 provides for judicial expenses and shall be allocated by the Judicial Budgetary
28 Control Council to such court.

29 * * *

1 §1568.3. Special divisions of court

2 A. In accordance with the jurisdiction provided for in the Children's Code,
3 in a juvenile court located in ~~any parish with a population of greater than four~~
4 ~~hundred sixty-five thousand according to the most recent federal decennial census~~
5 **Orleans Parish**, there shall be special divisions of court with exclusive jurisdiction
6 over child in need of care proceedings, as specifically provided for in Titles VI, X,
7 XI, and XII of the Louisiana Children's Code and generally provided for in other
8 titles or articles of the code, which shall consist of Section "A" and Section "D" of
9 the court.

10 B. In accordance with the jurisdiction provided for in the Children's Code,
11 the juvenile court located in ~~any parish with a population of greater than four~~
12 ~~hundred sixty-five thousand according to the most recent federal decennial census~~
13 **Orleans Parish**, there shall be special divisions of court with exclusive jurisdiction
14 over delinquency proceedings, as specifically provided for in Title VIII of the
15 Louisiana Children's Code and generally provided for in other titles or articles of the
16 code, which shall consist of Section "B", Section "C", Section "E", and Section "F".

17 * * *

18 §1908. **Rapides Parish**; ~~Criminal~~ **criminal** matters; additional costs for CASA
19 programs

20 A. In ~~parishes having a population of between one hundred twenty-five~~
21 ~~thousand and one hundred thirty-five thousand according to the latest federal census~~
22 **Rapides Parish**, in all criminal cases, including traffic offenses, of which the city
23 court has jurisdiction, there shall be assessed as additional costs against every
24 defendant who is convicted after trial or who pleads guilty or forfeits bond the sum
25 of five dollars, which shall be in addition to all other fines, costs, or forfeitures
26 lawfully imposed and which shall be transmitted to the clerk for further disposition
27 in accordance herewith.

28 * * *

* * *

C. When a surplus of filing fees and costs or unclaimed fees and costs has accumulated in the civil fee account of ~~any city court in a city having a population of not less than seven thousand and not more than seven thousand two hundred,~~ according to the latest decennial census **the City Court of Plaquemine**, and the surplus or unclaimed fees and costs have remained unclaimed for a period of five years or more, the judge of the court may transfer the amount of the surplus or the amount of the unclaimed fees and costs that remain unclaimed to the operating fund known as the judicial expense account of the court, after notice to the depositors by publication in the legal journal of the parish or by other reasonable means to the operating fund known as the judicial expense account of the court. The provisions of this Subsection shall not affect any claim or right granted to a claimant by the provisions of the Uniform Unclaimed Property Act, R.S. 9:151 et seq. After transfer of the surplus funds from the civil fee account to the judicial expense account of the court, the city court shall remain liable for the full amount of any viable claim for

1 unclaimed property in accordance with any other provision of law.

2 * * *

3 §2103.2. City of Ruston, city of Sulphur; ~~Additional~~ **additional** fee for
4 appearance bond

5 A. The marshal of ~~any city with a population between twenty thousand and~~
6 ~~twenty-one thousand according to the most recent federal decennial census~~ **the city**
7 **of Ruston and the marshal of the city of Sulphur** shall collect an additional fee of
8 two dollars for taking an appearance bond. Any party, personal or professional, or
9 agent thereof, signing as surety on any appearance bond for the city court, shall pay
10 the amount of twelve dollars to the city marshal's office. Any party, personal or
11 professional, or agent thereof, signing as surety, who fails to pay the fee required by
12 this Subsection shall not be eligible to act as agent or surety on any appearance bond
13 for ~~the~~ **that** city court. The marshal shall give written notice to the agency
14 responsible for receiving bonds stating that this party, personal or professional, or
15 agent thereof, who signed as surety shall no longer be eligible to sign as surety on
16 appearance bonds for ~~the~~ **that** city court.

17 * * *

18 §2496.2. Expenses of municipal court

19 A. Notwithstanding any other law to the contrary, a majority of the judges
20 of ~~any municipal court in a parish with a population of not less than four hundred~~
21 ~~seventy thousand~~ **the Municipal Court of New Orleans** may authorize a payment
22 from the judicial expense fund of the court to defray any expense of the court
23 including salary supplements for any personnel as in their discretion may be
24 necessary to expedite the business and function of the court.

25 * * *

26 §2575. **Municipalities with populations in excess of three hundred thousand;**

27 ~~Public~~ **public** health, housing, and environmental violations;
28 administrative adjudication; procedure; appeal; penalties

29 * * *

1 C.

2 * * *

3 (2) Any liens placed against such immovable property shall be included in
4 the next annual ad valorem tax bill and shall be paid along with such taxes, subject,
5 however, to any valid homestead exemption. Failure to pay the liens shall cause the
6 immovable property in or on which the violation occurred to be subject to the same
7 provisions of law as govern tax sales of immovable property, except that in
8 municipalities with populations in excess of ~~four hundred fifty~~ **three hundred**
9 thousand according to the latest federal decennial census, when the immovable
10 property has been declared blighted or a public nuisance by an administrative hearing
11 officer acting in accordance with this Section, the property owners and other parties
12 having interests in the property shall not have a right of redemption. However, if the
13 immovable property has been sold for nonpayment of taxes to a tax sale purchaser
14 other than the municipality, and if the right of redemption from the tax sale has not
15 elapsed at least one year prior to the sale pursuant to this Section, the tax sale
16 purchaser shall have a right of redemption from the sale pursuant to this Section until
17 one year after the right of redemption from the tax sale elapses. In addition, in
18 municipalities with populations in excess of ~~four hundred fifty~~ **three hundred**
19 thousand according to the latest federal decennial census, failure to pay the liens
20 shall also cause such liens and privileges to be subject to enforcement in accordance
21 with R.S. 13:2576. Any liens placed against immovable property that has a legal
22 homestead exemption from taxes will become payable ninety days after the death of
23 the owner thereof or immediately upon recordation of any conventional mortgage on
24 the immovable property or transfer of title to a new owner, whichever occurs first.

25 * * *

26 §2576. Administrative adjudication of public health, housing, fire code,
27 environmental, and historic district violations; municipalities with a
28 population in excess of ~~four hundred fifty~~ **three hundred** thousand

29 A. In each municipality having a population of ~~four hundred fifty~~ **three**

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* * *

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

may appoint a clerk of court whose jurisdiction shall coincide with the jurisdiction of the appointing justice of the peace.

* * *

B. A justice of the peace in a parish whose population exceeds four hundred thousand according to the latest federal decennial census **East Baton Rouge Parish and Jefferson Parish** may demand and receive up to the following amounts in addition to or in lieu of the fees and costs provided for in R.S. 13:2590 for filings and services in civil matters:

* * *

E. A justice of the peace in a parish whose population exceeds four hundred thousand according to the latest federal decennial census **East Baton Rouge Parish and Jefferson Parish** may demand and receive an amount not to exceed eighty dollars as a fee for issuing a peace bond. Of this amount, twenty dollars shall go to the clerk of courts and of the remaining amount, fifty percent of the fee shall be retained by the justice of the peace for operational expenses of the office and court and fifty percent of the fee shall go to the constable for operational expenses of the constable's office.

* * *

§4818. Concursus proceedings in cities over four hundred thousand **the city of New Orleans**; reference to special commissioner

Immediately upon issue being joined all concursus proceedings in cities of over four hundred thousand **the city of New Orleans** may be referred by the court to a special commissioner to examine and report thereon as to the law and the facts applicable thereto.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Martiny (SB 17)

Proposed law, contained in Title 13 (Courts and Judicial Procedure) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills

to limit the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 13:847(F)(1)(intro. para.) - Fees in criminal cases	A district court in a parish with a population of 42,800 - 43,500	St. John the Baptist Parish (2000 census)	St. John the Baptist Parish
R.S. 13:961(F)(1)(e) - Court reporters generally	Tri-parish district courts with a population between 40,000 - 100,000	2 nd Judicial District containing parishes of Bienville, Claiborne, and Jackson (1990, 2000 census) 5 th Judicial District containing parishes of Franklin, Richland, and West Carroll (1990, 2000 census) 18 th Judicial District containing parishes of Iberville, Pointe Coupee, and West Baton Rouge (1990, 2000 census)	Second, Fifth, and Eighteenth Judicial Districts
R.S. 13:961(F)(1)(f) - Court reporters generally	Tri-parish district courts with a population of 75,000 - 150,000	Parishes of Ascension, Assumption, and St. James (1990, 2000 census)	Twenty-Third Judicial District
R.S. 13:964.2 - Reporter's fees	A parish having a population of 180,000 - 187,000	Calcasieu Parish (2000 census)	Calcasieu Parish

R.S. 13:996.22.1 - Judicial expense fund in a specified court	A judicial district court whose boundaries are coterminous with any parish having a population of 39,000 - 40,500	Natchitoches Parish (2000 census)	Tenth Judicial District
R.S. 13:996.35 - Sheriff's fees in specified parishes	Parishes having a population between (a) 67,500 - 69,000 (b) Parishes having a population between 75,000 - 84,000	(a) Iberia Parish (1990 census) (b) St. Landry Parish (1990 census), Ascension Parish (all 2000 census)	Parishes of Iberia and St. Landry
R.S. 13:996.36.1 - Additional fees or costs	A judicial district court which is located in a judicial district comprised of three parishes having a population of 55,400 - 85,400	Parishes of Iberville, Pointe Coupee, and West Baton Rouge (all 1990 and 2000 census)	Eighteenth Judicial District Court
R.S. 13:1000.1(A) - Additional costs in criminal matters for CASA programs	Parishes having a population of 125,000 - 135,000	Rapides Parish (1990, 2000 census)	Rapides Parish
R.S. 13:1384 - Required positions in a criminal district court	A parish having a population of 465,000+	Orleans Parish (2000 census)	Orleans Parish
R.S. 13:1568.3 - Special divisions of court	A parish having a population of 465,000+	Orleans Parish (2000 census)	Orleans Parish
R.S. 13:1908(A) - Additional costs in criminal matters for CASA programs	A parish having a population of 125,000 - 135,000	Rapides Parish (1990, 2000 census)	Rapides Parish
R.S. 13:2080.1(B) - Additional fees for an appearance bond	A city court located in a municipality having a population of 19,000 - 25,000	Cities of Opelousas, Ruston, and Sulphur (all 1990, 2000 census), City of Slidell (1990 census)	City Courts of Opelousas, Ruston, Slidell, and Sulphur
R.S. 2080.1(C) - Accumulation of surplus filing fees and costs in civil fee accounts	A city court in a city having a population of 7,000 - 7,200	City of Plaquemine (1990, 2000 census)	City Court of Plaquemine

R.S. 13:2103.2(A) - Additional fee for appearance bond	A city court in a city with a population of 20,000 - 21,000	Cities of Ruston and Sulphur (1990, 2000 census)	Cities of Ruston and Sulphur
R.S. 13:2496.2(A) - Expenses of municipal courts	A municipal court in a parish with a population of 470,000+	City of New Orleans (2000 census)	Municipal Court of New Orleans
R.S. 13:2575(C)(2) - Public health, housing, and environmental violations	A municipality with a population of 450,000+	City of New Orleans (2000 census)	Municipality with population of 300,000+
R.S. 13:2576(A)(intro. para.) -Administrative adjudication of public health, housing, fire code, environmental, and historic district violations	A municipality with a population of 450,000+	City of New Orleans (2000 census)	Municipality with population of 300,000+
R.S. 13:2583.1(A) - Deputies, oath, and compensation of a constable of a justice of the peace court	A justice of the peace court in a parish having a population of 400,000+	Jefferson Parish (1990, 2000 census), East Baton Rouge Parish (2000 census)	East Baton Rouge and Jefferson Parish
R.S. 13:2590.1(A)(1) - Appointment of clerk of court	According to the 1990 census, a justice of the peace court in a parish with a population of 400,000+	Jefferson Parish	Jefferson Parish
R.S. 13:2590.1(B)(into. para.) and (E) - Additional costs for filings and bonds in justice of the peace courts	A justice of the peace court in a parish with a population of 400,000+	Jefferson Parish (1990, 2000 census), East Baton Rouge Parish (2000 census)	East Baton Rouge and Jefferson Parish
R.S. 13:4818 - Concursus proceedings	A city with a population of 400,000+	City of New Orleans	City of New Orleans

(Amends R.S. 13:847(F)(1)(intro. para.), 961(F)(1)(e) and (f), 964.2, 996.22.1, 996.35, 996.36.1, 1000.1(A), 1384, 1568.3, 1908(A), 2080.1(B) and (C), 2103.2(A), 2496.2(A), 2575(C)(2), 2576(A)(intro. para.), 2583.1(A), 2590.1(A)(1), (B)(intro. para.), and (E), and 4818)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Adds East Baton Rouge Parish to provisions regarding appointment of deputy constables for justice of the peace courts. (R.S. 13:2583.1(A))

Senate Floor Amendments to engrossed bill.

1. Adds East Baton Rouge Parish to provisions regarding additional costs for filings and bonds for justice of the peace courts. (R.S. 13:2590.1(B)(intro. para.) and (E))